



COURT UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COUNTY OF

ACORN CAPITAL GROUP, LLC,

Plaintiff(s)

against

THOMAS J. PETTERS,

Defendant(s)

Index No. 08 CIV 7236

**AFFIDAVIT OF
SERVICE OF SUMMONS
(AND COMPLAINT)**

IN A CIVIL ACTION, INDIVIDUAL PRACTICES
OF HON. RICHARD M. BERMAN, INDIVIDUAL
RULES OF PRACTICE OF JUDGE KEVIN
NATHANIEL FOX, ELECTRONIC CASE FILING
RULES & INSTRUCTIONS

MINNESOTA
STATE OF MINNESOTA, COUNTY OF HENNEPIN

SS: The undersigned, being duly sworn, deposes and says; deponent is not a

party herein, is over 18 years of age and resides at IN THE STATE OF MINNESOTA

That on 8/15/08 at 3:00P. M., at 4400 BAKER ROAD, MINNETONKA, MN 55343

deponent served the within summons, and complaint on THOMAS J. PETTERS

defendant therein named,

SEE ABOVE STATED DOCUMENTS

INDIVIDUAL

1. ☐

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION

2. ☐

a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON

3. ☒

by delivering thereat a true copy of each to "JANE DOE" (RECEPTIONIST/CO-WORKER) ** a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

** REFUSED TO GIVE FIRST AND LAST NAME

MAILED ON: 8/15/08

C/O PETTERS GROUP WORLDWIDE, LLC

MAILING TO
RESIDENCE
USE WITH 3 OR 4

5A. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO
BUSINESS
USE WITH 3 OR 4

5B. ☒

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at 4400 BAKER ROAD, MINNETONKA, MN 55343 MINNESOTA in an official depository under the exclusive care and custody of the U.S. Postal Service within MINNESOTA State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION
USE WITH
1, 2, OR 3

☒

<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input checked="" type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input checked="" type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4"-5'8"	<input checked="" type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN
NYC CIVIL CT.

☐

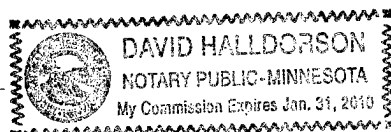
The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY
SERVICE

☒

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. ~~Recipient was not in active military service of the United States or of the State of New York in any capacity whatever.~~ The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on 8/18/08



PRINT NAME BESEATH SIGNATURE
BOB YATES

License No. AA

COURT
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COUNTY OF

ACORN CAPITAL GROUP, LLC,

Plaintiff(s)

against

THOMAS J. PETTERS,

Defendant(s)

Index No. 08 CIV 7236

AFFIDAVIT OF
SERVICE OF SUMMONS
(AND COMPLAINT)IN A CIVIL ACTION, INDIVIDUAL PRACTICES
OF HON. RICHARD M. BERMAN, INDIVIDUAL
RULES OF PRACTICE OF JUDGE KEVIN
NATHANIEL FOX, ELECTRONIC CASE FILING
RULES & INSTRUCTIONSMINNESOTA
STATE OF ~~NEW YORK~~, COUNTY OF HENNEPIN

SS: The undersigned, being duly sworn, deposes and says; deponent is not a

party herein, is over 18 years of age and resides at IN THE STATE OF MINNESOTA

That on 8/15/08 at 6:54P. M., at 655 BUSHAWAY RD, WAYZATA, MN 55391

deponent served the within summons, and complaint on THOMAS J. PETTERS

defendant therein named,

SEE ABOVE STATED DOCUMENTS

INDIVIDUAL

1. ☐

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION

2. ☐

a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON

3. ☒

by delivering thereat a true copy of each to JENNIFER WOLTER (LIVE-IN NANNY) a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILED ON: 8/18/08

MAILING TO
RESIDENCE
USE WITH 3 OR 45A. ☒MAILING TO
BUSINESS
USE WITH 3 OR 45B. ☐Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at 655 BUSHAWAY RD, WAYZATA, MN 55391 and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within ~~NEW YORK~~ MINNESOTA State.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION
USE WITH
1, 2, OR 3☒

<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input checked="" type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input checked="" type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input checked="" type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

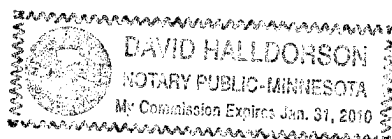
Other identifying features:

USE IN
NYC CIVIL CT.☐

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY
SERVICE☒I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. ~~Recipient was not in active military service of the United States or of the State of New York in any capacity whatever.~~ The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on 8/18/08



PRINT NAME/RENEATH SIGNATURE

JESSE ROBERTS

License No. NA

Judge Berman

UNITED STATES DISTRICT COURT

Southern

District of

New York

ACORN CAPITAL GROUP, LLC,

Plaintiff,

SUMMONS IN A CIVIL ACTION

V.

THOMAS J. PETTERS,

Defendant.

CASE NUMBER:

'08 CIV 7236

TO: (Name and address of Defendant)

Thomas J. Petters
c/o Petters Group Worldwide, LLC
4400 Baker Road
Minnetonka, Minnesota 55343-8684

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

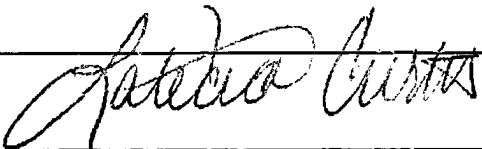
Robert W. Gottlieb
Katten Muchin Rosenman LLP
575 Madison Avenue
New York, New York 10022
(212) 940-8800

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

AUG 14 2008

CLERK



DATE

(By) DEPUTY CLERK